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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/059,893  | 01/29/2002  | Thomas R. McCann     | WING-1-1026         | 9662             |
| 7590  | 11/03/2004  |                      | EXAMINER            |                  |
| David A. Lowe, Esq.<br>BLACK LOWE & GRAHAM PLLC<br>816 Second Avenue<br>Seattle, WA 98104 |             |                      | MEHRPOUR, NAGHMEH   |                  |
|   |             | ART UNIT             | PAPER NUMBER        |                  |
|   |             | 2686                 |                     |                  |
| DATE MAILED: 11/03/2004   |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                             |
|------------------------------|------------------------|-----------------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>         |
|                              | 10/059,893             | MCCANN, THOMAS R. <i>Dr</i> |
|                              | <b>Examiner</b>        | <b>Art Unit</b>             |
|                              | Naghmeh Mehrpour       | 2686                        |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-8 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 4,** are rejected under 35 U.S.C. 102(b) as being anticipated by Hanson (US Patent Number 5,963,861).

Regarding **claim 1**, Hanson teaches a method for wirelessly connecting a computer device 40 to a server (IP) 43 (see figure 1, col 2 lines 50-67, col 3 lines 1-3), the method comprising:

generating data related to the location of the computer device 20 (col 1 lines 54-60, col 4 lines 1-5); by initiating a call mobile phone generating location data to the base station; wirelessly sending the location data to a phone number look-up device (IP) 43 (col 4 lines 1-16) (server 43/IP is the phone number look-up device); mobile 40 by initiating a call sending the location data to MSTO which coupled to IP (43) through (BTS and MSC) (col 4 lines 1-13); retrieving at least one phone number from memory 44 coupled to the phone number look-up device (IP) 43 (see figures 1 & 3, col 5 lines 35-40);

wirelessly connecting the computer device 40 to a server (20-23) using the at least one phone number (col 2 lines 50-65, col 3 line 1).

Regarding **claim 4**, Hanson teaches a method wherein generating location data as mentioned in claim 1. The computer device comprises:

recording location information as spoken by a user (col 4 lines 19-26). Hanson inherently teaches the computer device comprises: generating location data by performing active speech recognition of the recorded location information (col 4 lines 19-26, lines 49-56).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2-3**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson (US Patent Number 5, 963,861) in view of Blumberg et al. (US Patent Number 2004,0110515 A1).

Regarding **claim 2** Hanson fails to teach a method wherein the computer device is a telematics control unit. However Blumberg teaches a method wherein the computer device is a telematics control unit (page 3 section 0044). Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of Blumberg with Hanson, in order to enable the user to receive and transmit digital data including sound, textual and graphic data as, for example, file transfer, electronic mail, facsimiles, electronic posts, data bank access, information center access, images, instructions and multimedia files.

Regarding **claim 3**, Hanson fails to teach a method wherein the computer device is at least one of a laptop computer or personal data assistant. However Blumberg teaches a method wherein the computer device is at least one of a laptop computer or personal data assistant (page 4 section 0047). Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of Blumberg with Hanson, in order to enable the user to receive and transmit digital data including sound, textual and graphic data as, for example, file transfer, electronic mail, facsimiles, electronic posts, data bank access, information center access, images, instructions and multimedia files.

*Allowable Subject Matter*

5. **Claims 5-8**, are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding **claim 5**, the present application teaches a system for wirelessly connecting a computer device to a server base. The computer device generates location data, retrieves a server phone number from memory based on the generated location data. If no server phone number corresponds to the generated location data, the computer device wirelessly send a request to a default number, a phone number look up number associated by the default number, retrieves a server phone number from a local memory, based on the received request, and sends the retrieved server phone number to the computer device. The computer device wirelessly connects to a server based on the sent server phone number data.

The closes art to the present application such as Hanson (US Patent 5,963,861) teaches a system a system for wirelessly connecting a computer device to a server. The computer device generates location data, send it to a server, and the server retrieves a phone number from memory based on

the generated location data as mentioned in the above rejection. Hanson fails to teach a system wherein, if no server phone number corresponds to the generated location data was found, the computer device wirelessly send a request to a default number, a phone number look up number associated by the default number, retrieves a server phone number from a local memory, based on the received request, and sends the retrieved server phone number to the computer device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Tendler** (US Patent Number 2003/01019244) location based service request system

**Bulthuis** (US Patent Number 2003/0032448 A1) disclose logbook emulate

**Hunzinger** (US Patent Number 2002/008680 A1) disclose location specific reminder for wireless mobiles

**Haave et al.** (US Patent Number 2003/0050038 A1) disclose a method and system for asset tracking

**Bell** (US Patent 6,445,921 B1) disclose call re-establishment for a dual mode telephone

Art Unit: 2686

**Odinak** (US Patent publication 200201433552 A1) disclose method and device to distinguish between voice conversation and automated speech recognition

7. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 703-308-7159. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid be reached on (703) 306-3061.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

October 25, 2004

**Odinak** (US Patent publication 200201433552 A1) disclose method and device to distinguish between voice conversation and automated speech recognition

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

October 25, 2004

MELODY MEHRPOUR  
PATENT EXAMINER

